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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-third year

Identical letters dated 11 March 2008 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I am compelled to draw your attention to the fact that Israel, the occupying Power, continues to construct and expand settlements in the Occupied Palestinian Territory, especially in and around East Jerusalem, further entrenching its illegal colonization and occupation of the Territory in grave breach of international law, particularly the Fourth Geneva Convention.

Israel's pursuit of such illegal settlement activities is in direct contravention of its obligations under the road map, which was endorsed by the Security Council in resolution 1515 (2003) to freeze all settlement activity, and presents yet another threat to the fragile peace process, which continues to suffer blow after blow as a result, inter alia, of such systematic violations.

In this regard, immediately after the resumption of the peace process with the convening of the Annapolis Conference in late November, Israel announced continuation of settlement construction in Occupied East Jerusalem at Jabal Abu Ghneim ("Har Homa"). This announcement damaged the renewed peace process, raising serious doubts regarding Israel's good faith in negotiations as it continues pursuing such illegal, destructive actions and creating more physical obstructions with which to contend on the road to achieving a just and lasting peace settlement.

Despite the international rejection of these actions and the impact on the peace process, Israel has now announced Prime Minister Ehud Olmert's approval of the construction of 750 new units in the "Givat Ze'ev" settlement north of East Jerusalem. Plans for 400 new settlement units in the Nabi Ya'coub neighbourhood in East Jerusalem were also recently declared. These announcements come just a few days before the planned meeting of the trilateral committee, headed by United States Lt. General William Fraser, to discuss practical measures for implementing road map obligations, including the complete cessation of settlement activities. At the same time, armed, militant Israeli settlers continue to commit acts of violence and to

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harass and terrorize Palestinians in the Occupied Palestinian Territory. The situation is particularly acute in the city of Al-Khalil (Hebron), where tensions remain high and the Palestinian civilian population lives under constant anxiety and fear due to such violent and inflammatory actions by fanatical settlers.

All of these colonization activities are illegal. Article 49 (6) of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, stipulates that "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". Furthermore, when committed wilfully and in violation of the Conventions or the Protocol, such acts are regarded as grave breaches under article 85 (4) (a) of Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I).

Regrettably, despite the law; despite multiple United Nations resolutions calling upon Israel to immediately cease all settlement activities; despite the determination by the International Court of Justice, in its advisory opinion of 9 July 2004, that Israel's settlement activities constitute breaches of international law; and despite the total contradiction to the existence of the peace process, Israel has never ceased its illegal colonial settlement activities. land confiscations, settlement construction and expansion, construction of Israeli-only bypass roads and establishment of settlement outposts, as well as the construction of the wall, continue unabated in the Occupied Palestinian Territory, including in East Jerusalem, fragmenting the Territory and undermining its contiguity, integrity and unity.

Israel's colonization activities are also extremely provocative. Such illegal actions undermine the peace process, poisoning the atmosphere between the two sides, sapping whatever momentum has been generated and diverting energies, and negatively taint the process, calling into question Israel's credibility in negotiations. Indeed, the illegal settlement campaign and the peace process clearly cannot coexist, for these actions threaten the peace process as a whole, as they physically undermine the future prospects for achieving the two-State solution of Israel and Palestine, living side by side in peace and security on the basis of the 1967 borders.

All of this is being committed by the occupying Power simultaneously with its ongoing military campaign in the Occupied Palestinian Territory, its intense siege of the Gaza Strip, its many measures of collective punishment against the civilian population and countless other violations it is committing against the Palestinian people under its occupation. The pressure and harm inflicted on both the Palestinian people and the peace process as a result cannot be underestimated.

In the light of these developments, it is incumbent upon the international community, particularly the Security Council, to compel Israel, the occupying Power, to cease all illegal settlement activities and to abide scrupulously by all of its obligations under international law. Israel should also be called upon to rescind its recent decisions and urged to take confidence-building measures to indicate its seriousness in addressing this critical issue. Such steps are vital for calming and improving the atmosphere, reviving momentum and helping to advance the peace process towards its stated goals.

The present letter is in follow-up to our previous 311 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem,

since 28 September 2000. Those letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 3 March 2008 (A/ES-10/415-S/2008/150), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Feda **Abdelhady Nasser**
Chargé d'affaires a.i.